

### REMARKS

The PTO has indicated that the subject matter presently claimed in the application is allowable, specifically, the subject matter of claim 54 as amended herewith and of claims 71-78 in their present form. Claims 42-81 were pending in the application as of the mailing date of the instant office action. By the above amendment, claims 42-53, 55-70 and 79-81 have been canceled without acquiescence in any rejection and without prejudice to the prosecution of the encompassed subject matter in this or any related divisional, continuation and/or continuation-in-part application. Claim 54 has been amended solely by rewriting it in independent form to include all limitations of the base claim 52 from which it previously depended. No new matter has been added by way of the present amendment. Reconsideration and a Notice of Allowance are therefore respectfully requested in view of the amendment submitted herewith and the present remarks.

### REJECTIONS UNDER 35 U.S.C. §101

The PTO rejects claims 42-51, 61-70 and 79-81 under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. More specifically, the PTO asserts that the recited method steps do not include physical transformation of received data to yield a useful, tangible and concrete result, such that a practical use of the claimed invention is not apparent.

Applicants traverse these grounds for rejection and submit that the instant embodiments satisfy the requirements of 35 U.S.C. §101. Nevertheless, solely for purposes of advancing the prosecution of the application and without acquiescence in the rejection, claims 42-51, 61-70 and 79-81 have been canceled without prejudice by the amendment submitted herewith, thereby rendering moot the rejection. Withdrawal of the rejection is therefore respectfully requested.

• Application No. 10/518,651  
Reply to Office Action mailed by the U.S. Patent and Trademark Office ("PTO") on October 27, 2006

#### REJECTIONS UNDER 35 U.S.C. §102

Claims 42-53, 55-60 and 79-81 are rejected for alleged lack of novelty under 35 U.S.C. §102. In particular, the PTO asserts that these claims are anticipated by Wernick et al. (U.S. Patent No. 6,947,521) under 35 U.S.C. §102(e).

Applicants respectfully traverse these grounds for rejection and submit that the PTO has misapplied Wernick et al., which under 35 U.S.C. §102(e) is not available as prior art to the present application. In particular, the present application is entitled at least to the claimed priority filing date of June 16, 2003, the international filing date of the international application, which designated the United States and published in the English language, and upon which the present application is based under 35 U.S.C. §371. U.S. Patent No. 6,947,521 (Wernick et al.), by contrast, has a U.S. filing date of June 17, 2003, and so was not filed in the United States before the invention by the present applicants of the presently claimed subject matter. As such, the PTO errs in its reliance on Wernick et al. and the rejection should be withdrawn.

Nevertheless, solely for purposes of advancing the prosecution of the application and without acquiescence in the rejection, claims 42-53, 55-60 and 79-81 have been canceled without prejudice by the amendment submitted herewith, thereby obviating the rejection. Applicants therefore submit that the application fully complies with the requirements of 35 U.S.C. §102.

#### ALLOWABLE SUBJECT MATTER

Applicants note that in the Office Action the PTO acknowledges that the subject matter of claims 71-78 is allowable. The PTO also objected to claim 54 as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As noted above, claim 54 has been so rewritten according to the amendment submitted herewith, such that the objection should be withdrawn.

Accordingly and in view of the foregoing, the subject matter of currently pending claims 54 and 71-78 have been allowed by the Examiner and as such the undersigned respectfully requests a Notice of Allowance in the above-identified application.

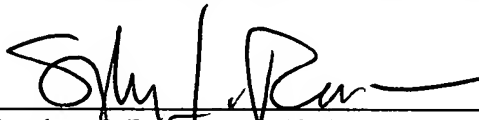
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The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'Stephen J. Rosenman', is written over a horizontal line.

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SJR:rp

Enclosures:

Supplemental Information Disclosure Statement Transmittal

Supplemental Information Disclosure Statement

Copies of 3 cited references

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